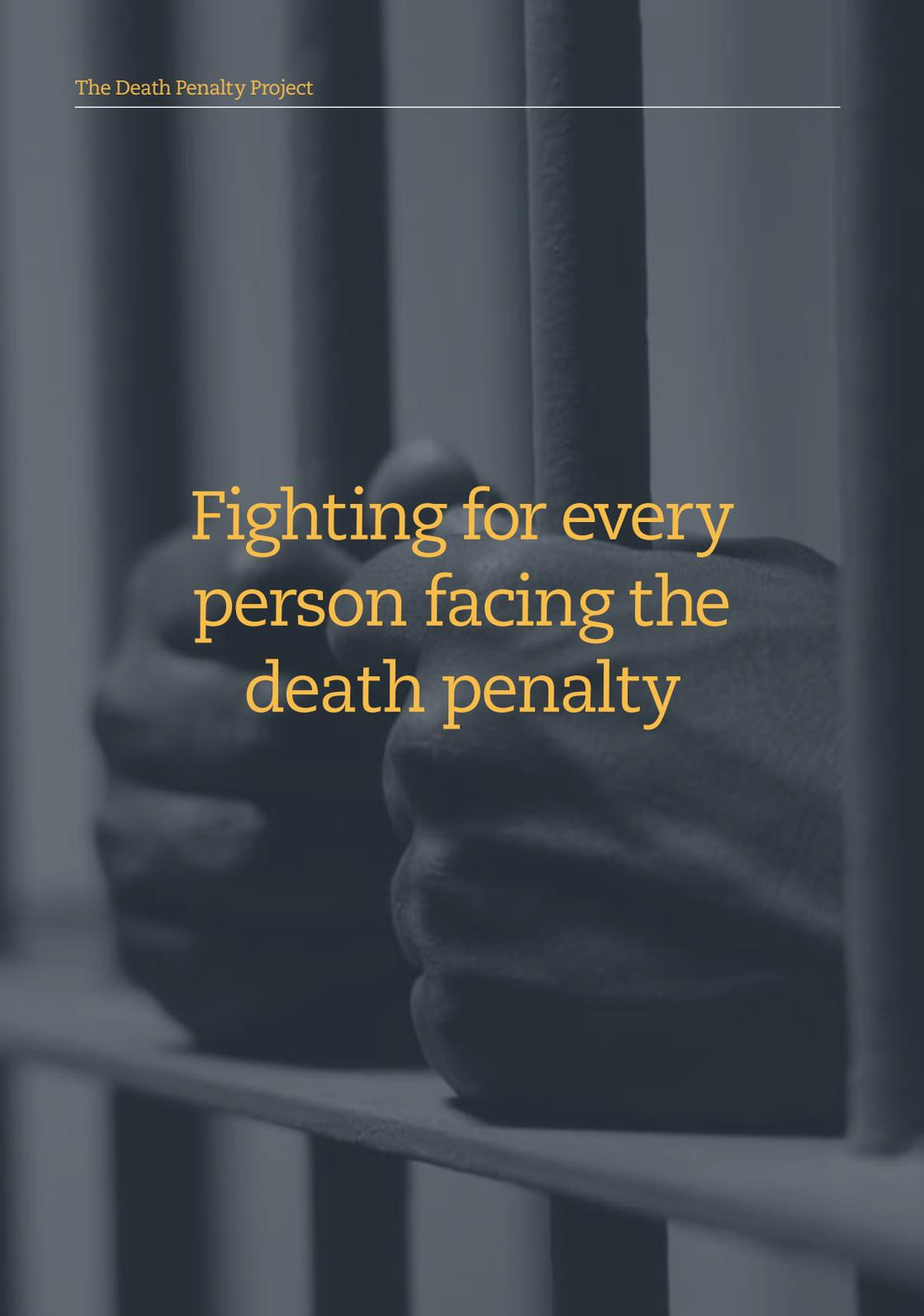


# THE DEATH PENALTY PROJECT

# 2018



[www.deathpenaltyproject.org](http://www.deathpenaltyproject.org)



Fighting for every  
person facing the  
death penalty



## A MESSAGE FROM THE EXECUTIVE DIRECTORS

The past year has been a busy and exciting time for The Death Penalty Project. After years of litigation, and in partnership with lawyers in Kenya and Barbados, the highest courts of both countries finally ruled the mandatory death penalty to be unconstitutional. We are now assisting lawyers and other key stakeholders transition to a new discretionary sentencing system with the aid of our new resource – *Sentencing in Capital Cases*.

Our work has continued to evolve as we focus our interventions on where we can have the most impact. For instance, after many years working in Malaysia, in October 2018, the Government announced that it will abolish the death penalty, affecting more than 1,200 prisoners currently on death row. This remarkable decision illustrates that abolition is possible even in the most resistant of countries, but it requires political leadership. We will continue to engage with governments in other retentionist countries to support and encourage national dialogue to move away from this cruel and inhuman punishment.

In July, we moved with Simons Muirhead & Burton LLP to new premises in central London and our team continues to grow as our scope of work expands and develops. We are incredibly grateful to the firm for continuing to house and support us, as it has done for more than three decades.

None of our work would be possible without the generous support of our funders and all the barristers, doctors, academics, and other professionals who give their time and services free of charge. On behalf of the whole team, we would like to thank you all and we look forward to continuing to fight for the human rights of those facing the death penalty in the years to come.

**Parvais Jabbar and Saul Lehrfreund**

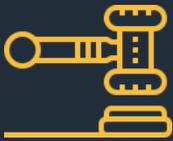
December 2018

## ABOUT US

The Death Penalty Project is a legal action charity based at the London law firm Simons Muirhead & Burton LLP.

We use the law to protect prisoners facing execution and to promote fair criminal justice systems to ensure that the human rights of all people are respected.

## WHAT WE DO



**Represent** and assist individuals facing the death penalty and other vulnerable prisoners, free of charge.



**Deliver** targeted and practical capacity building to members of the judiciary, lawyers, mental health professionals and others working within the criminal justice system.



**Commission** original research and publish training resources to address knowledge gaps and deepen understanding about the death penalty.



**Engage** with governments and other stakeholders in dialogue on the death penalty, to support a more informed and constructive debate.

# 2018 IN NUMBERS

5,000+

prisoners sentenced to the mandatory death penalty in Kenya are entitled to be resentenced

150+

prisoners provided with free legal assistance

10+

prisoners to be re-sentenced after the Caribbean Court of Justice rules the mandatory death penalty in Barbados unconstitutional

80%

of Zimbabweans who expressed support for the death penalty would nonetheless accept abolition, according to our new public opinion survey

## KENYA: NEW HOPE ON DEATH ROW

At the end of 2017, the Supreme Court of Kenya declared the mandatory death penalty unconstitutional in Kenya. Following this landmark decision, we have been working with the Katiba Institute and the Kenya National Commission on Human Rights on its impact. We have advised the Task Force on the Review of the Mandatory Death Sentence on implementing the judgment to ensure that timely and effective relief is available to all prisoners concerned. Through research, education and awareness-raising activities on the death penalty, we are also supporting informed debate around the future of capital punishment in Kenya.

This ongoing project, which is supported by the European Union (EIDHR) and the UK Foreign and Commonwealth Office, will benefit thousands of prisoners who are currently on death row or whose mandatory death sentences have been commuted.

In August 2018, we met some of those affected at Kamiti Maximum Security Prison and Langata Women's Prison.



“(The Supreme Court judgment)... is the light at the end of the tunnel. It is a ray of hope. It gives hope not only for the inmate but also the family who will have hope that one day you'll be rejoined with them”

Jane Manyonge, death row prisoner at Langata women's prison



Mural at Kamiti prison depicting the stages of the criminal justice process



General population prison yard, Kamiti maximum security prison



Prisoners in Langata women's prison preparing for lunch

# CARIBBEAN: SUPPORTING THE MOVEMENT FOR DEATH PENALTY ABOLITION

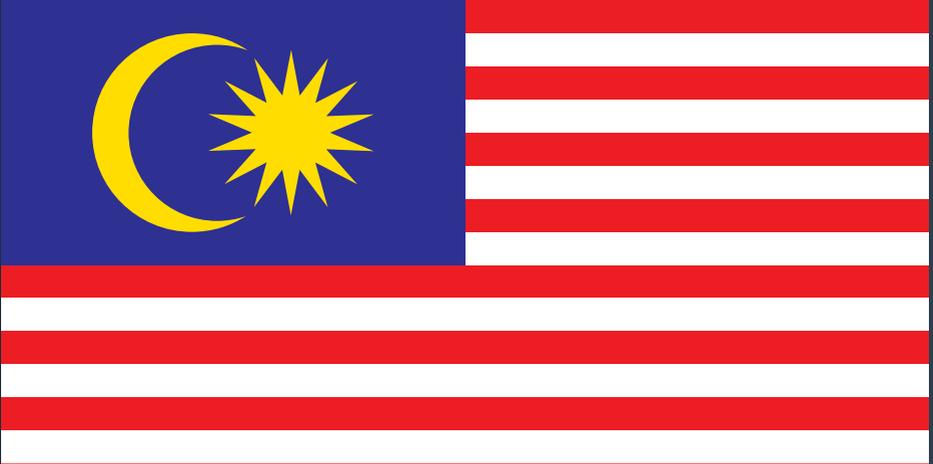
Over the past 30 years, our legal work in the Caribbean resulting in judicial restriction in the use of the death penalty, has seen death rows emptied. Apart from one execution in St Kitts and Nevis in 2008, more than 20 years have elapsed without an execution in the region. Further legal reform came in June 2018, when the Caribbean Court of Justice declared the mandatory death penalty unconstitutional in Barbados.

To help encourage and support political progress towards abolition, we have partnered with Greater Caribbean for Life, World Coalition Against the Death Penalty, St Vincent and the Grenadines Human Rights Association, and the University of the West Indies (Cave Hill) on a joint European Union funded project in Barbados and the Eastern Caribbean States. Over the course of three years, this project will support a range of civil society-led activities to build greater awareness and highlight the failures and limitations of retaining the death penalty.



World Day Against the Death Penalty school workshop, St Kitts and Nevis, October 2018

## MALAYSIA: GOVERNMENT TO ABOLISH DEATH PENALTY



For 10 years,, we have been working with the Malaysian Bar, the Human Rights Commission of Malaysia (SUHAKAM) and other key stakeholders, seeking to reform the death penalty. This work has played a major role in the Malaysian Government's announcement to abolish the death penalty for all crimes – a dramatic change of policy in a jurisdiction that retains the mandatory death penalty for many offences and is one of the 23 countries that carried out executions in 2017. Drawing on past experience, and lessons learned from other jurisdictions, we continue to work with our Malaysian partners to ensure that human rights considerations guide what should replace the death penalty and what should happen to the 1,200+ individuals already under sentence of death.

## WRONGFULLY CONVICTED: JUVENILE OFFENDER RELEASED FROM PRISON IN BELIZE

We helped secure the release of juvenile offender Japhet Bennett after almost a decade in prison. Japhet was only 17 years old when he was incarcerated. On appeal, the Caribbean Court of Justice overturned Japhet’s murder conviction after finding that the evidence against him was of such poor quality that the judge should have never allowed it to go to a jury. Japhet was released from prison and reunited with his family.



## ASSISTING FOREIGN NATIONALS FACING THE DEATH PENALTY

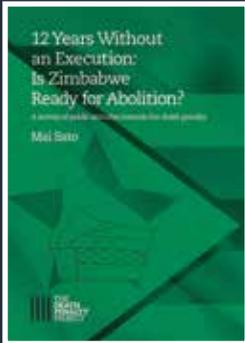
We assist individuals who have been sentenced to death, or have been charged with offences that carry the death penalty, outside of their home countries. These include British nationals who are facing the death penalty abroad.

Arrested ‘foreign nationals’ have been identified by the United Nations as a particularly vulnerable group. Often, they do not speak the local language and may have little understanding of the local legal system.

We are currently working with local legal teams and supporting the diplomatic community in 31 cases, with nationals originating from a range of countries including Argentina, Bolivia, Fiji, Nigeria, Peru, South Africa, Uganda, Zambia and the UK.

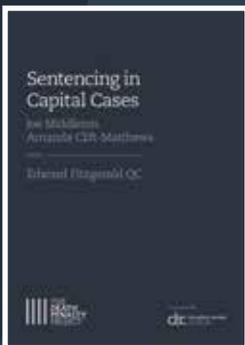


## LATEST PUBLICATIONS



### 12 YEARS WITHOUT AN EXECUTION: IS ZIMBABWE READY FOR ABOLITION?

A national public opinion survey to shed light on the views of the Zimbabwean public towards the death penalty was published. Dr Mai Sato (University of Reading) was commissioned to conduct the research; key findings included that the vast majority of Zimbabweans were uninformed about the death penalty and that support for the punishment dropped significantly when faced with typical case scenarios. Ultimately, the survey concluded that if the government were to abolish the death penalty, the majority of the public would accept the decision.



### SENTENCING IN CAPITAL CASES

This practical resource surveys the sentencing principles and practices that have been adopted by different jurisdictions following the abolition of the mandatory death penalty. It provides vital assistance to legal professionals in navigating the discretionary sentencing system. With reference to comparative international practice and expert critique throughout, it guides the reader through the application of key legal tests, constitutional safeguards and relevant factors to be considered in the sentencing exercise.

# The Death Penalty Project



Leading a capacity-building symposium on sentencing in capital cases at the Judges Academy in Taiwan



At the launch of our new resource, *Sentencing in Capital Cases*. The authors – Edward Fitzgerald QC, Amanda Clift-Matthews and Joe Middleton, as pictured.



Delegation visit to engage with Guyanese civil society and key stakeholders



Speaking at a panel discussion hosted by Amnesty International on World Day Against the Death Penalty



With Dr Mai Sato at the launch of a new public opinion survey in Zimbabwe



Hosting a delegation from the Japan Federation of Bar Associations to the UK



Continuing our dialogue in Belarus on moving away from the death penalty



Consultation with the Advisory Board on our research project examining judicial attitudes towards the death penalty in Bangladesh

Representing Joseph Ewart Layne, former death row prisoner and one of the 'Grenada 17' at his appeal before the Judicial Committee of the Privy Council

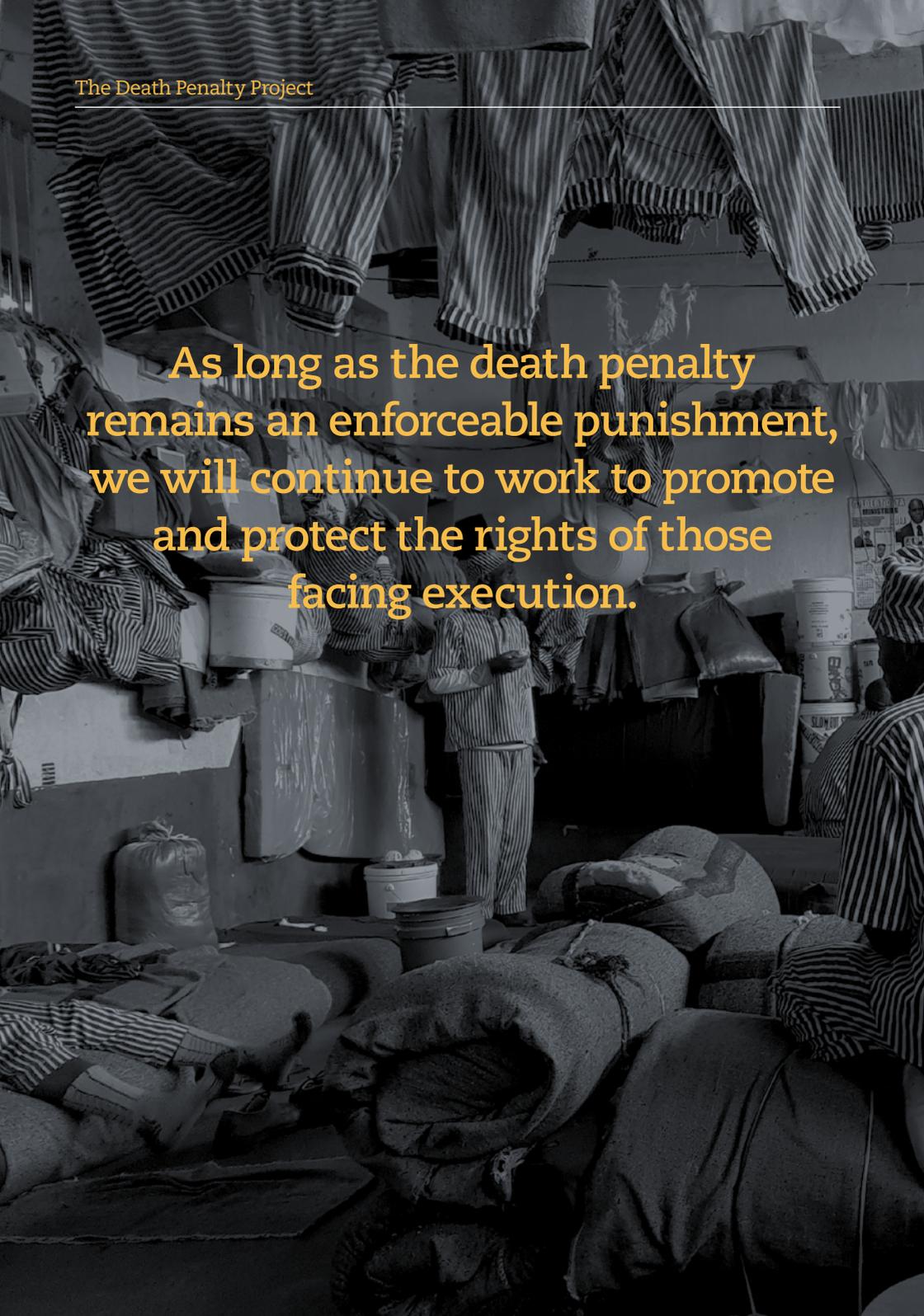


Delegation of Ugandan parliamentarians meet Baroness Stern and Lord Purvis of the All-Party Parliamentary Group on the Abolition of the Death Penalty

## WHERE WE WORKED IN 2018:

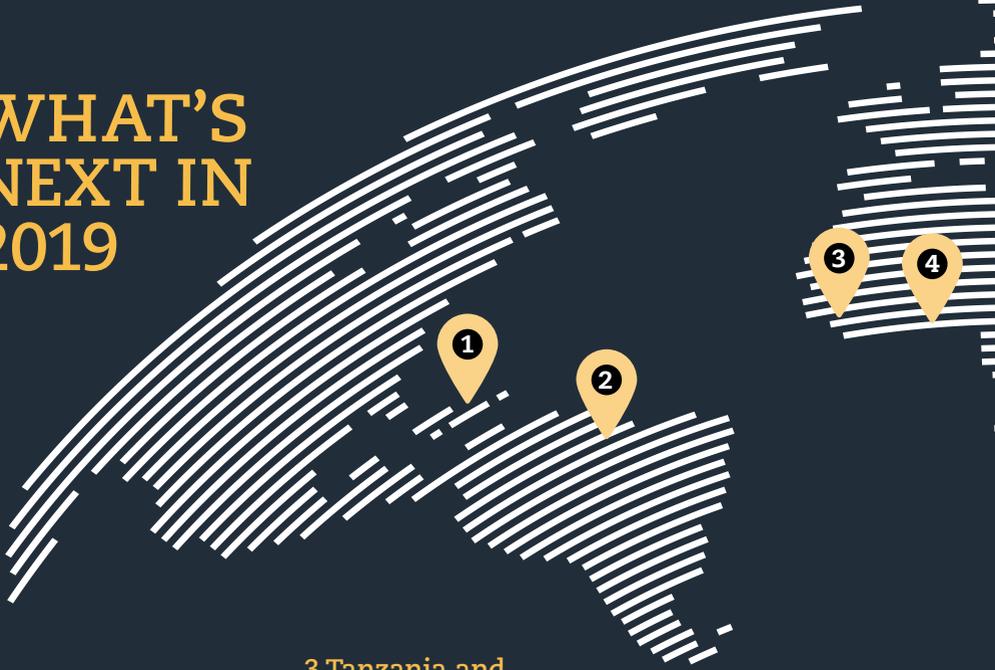
- Antigua and Barbuda
- The Bahamas
- Bangladesh
- Barbados
- Belarus
- Belize
- Bermuda
- Democratic Republic of the Congo
- Dominica
- Ghana
- Grenada
- Guyana
- India
- Indonesia
- Jamaica
- Japan
- Kenya
- Malawi
- Malaysia
- Nigeria
- Sierra Leone
- Singapore
- Sri Lanka
- St Lucia
- St Kitts and Nevis
- St Vincent and the Grenadines
- Taiwan
- Tanzania
- Trinidad and Tobago
- Uganda
- Zimbabwe

As long as the death penalty remains an enforceable punishment, we will continue to work to promote and protect the rights of those facing execution.





# WHAT'S NEXT IN 2019



## 1 Caribbean region

Supporting local civil society movement towards abolition of the death penalty through a range of outreach, research and advocacy activities.

## 2 Guyana

Building a national movement of legal, political and civil society organisations to end the death penalty in the last retentionist country in South America.

## 3 Tanzania and Sierra Leone

Challenging the mandatory death penalty through the constitutional courts.

## 4 Ghana

Providing free legal assistance to all prisoners on death row and pursuing strategic litigation before the African Court on Human and People's Rights.

## 5 Zimbabwe

Creating a platform for dialogue with the political leadership and other key stakeholders on abolition of the death penalty.

## 6 Kenya

Assisting in the transition to a new discretionary sentencing system: expert technical advice and outreach support to the Sentencing Taskforce; capacity building programmes for judges and lawyers; and research on attitudes towards the death penalty.

## 7 Belarus

Engaging with the Parliamentary Working Group on Human Rights in Europe's last executing country.



### 8 Sri Lanka And The Maldives

Where executions have not taken place for more than 40 years, promoting public discourse and identifying the main obstacles towards abolition.

### 9 Bangladesh

Supporting research on the socio-economic status of death row prisoners and their interaction with the criminal justice system.

### 10 Malaysia

Providing technical assistance to key stakeholders to further the Government's commitment to abolition and advising on alternatives to the death penalty.

### 11 Indonesia

Commissioning research to investigate attitudes towards the death penalty and the deterrent effect of the death penalty on drug offences.

### 12 Taiwan

Developing new resources and tools on public opinion, wrongful convictions and sentencing to support policy discussions.

### 13 Japan

Building litigation strategies with the Japan Federation of Bar Associations and promoting constructive debate among parliamentarians.

**The Death Penalty Project is a legal action charity based at, and supported by, Simons Muirhead & Burton LLP. For more than three decades, we have provided free legal representation to those facing the death penalty.**

# DONATE

**Help us prevent executions and protect the human rights of prisoners. With your support we can change the law and save lives.**



Visit our website

[www.deathpenaltyproject.org](http://www.deathpenaltyproject.org)

to make a regular or one-off donation



Login to your JustGiving account to donate via our fundraising page



To donate up to £10, text the code "TEXT35" and the amount to 70070 e.g. TEXT35 £5

**Thank you to everyone who funded our work in 2018, including:**

- A B Charitable Trust
  - Akin Gump Strauss Hauer & Feld LLP
  - Garden Court Chambers
  - Hasluck Charitable Trust
  - Lund Trust (a charitable fund of Lisbet Rausing and Peter Baldwin)
  - Matrix Chambers (Matrix Causes Fund)
  - Oak Foundation
  - Open Society Foundations
  - Sigrid Rausing Trust
  - Simons Muirhead and Burton LLP
  - Swiss Federal Department of Foreign Affairs
  - UK Foreign and Commonwealth Office
- ... and all our individual donors



The Death Penalty Project is a registered charity (no.1115035) and non-profit limited company (no. 05579286) with special consultative status before the United Nations Economic and Social Council.

The Death Penalty Project  
87-91 Newman Street  
London  
W1T 3EY  
[www.deathpenaltyproject.org](http://www.deathpenaltyproject.org)



@deathpenaltyp



deathpenaltyproject

**JustGiving**